

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JACK ANTHONY KEGG,

Defendant.

**CR-14-109-GF-BMM**

**ORDER ADOPTING FINDINGS  
AND RECOMMENDATIONS OF  
MAGISTRATE JUDGE  
CONCERNING PLEA**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on March 24, 2015. (Doc. 28). Neither party filed objections. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 149-52 (1986). This Court will review Judge Johnston’s Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error has taken place where the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Kegg appeared before Judge Johnston pursuant to Fed. R. Crim. P. 11, and Kegg entered a plea of guilty to one count of Possession of Child Pornography as charged in the Superseding Information. (Doc. 25).

Judge Johnston made the following findings: (1) Kegg was fully competent and capable of entering an informed and voluntary plea; (2) Kegg was aware of the nature of the charge against him and the consequences of pleading guilty to the charge; (3) Kegg understands fully his constitutional rights, and the extent to which Kegg is waving those rights by pleading guilty; and, (4) Kegg's plea of guilty is a knowing and voluntary plea, supported by an independent basis in fact sufficient to prove each of the essential elements of the count charged. (Doc. 28). Judge Johnston also found that Kegg had adequate time to review the Plea Agreement with counsel, Kegg understands each provision of the agreement, and the statements in the Plea Agreement are true. *Id.* Judge Johnston recommended that this Court accept Kegg's plea of guilty to Possession of Child Pornography, in violation of 18 U.S.C. § 2252A(a)(5)(B), as charged in the superseding indictment, and that sentence be imposed. *Id.*

This Court finds no clear error in Judge Johnston's Findings and Recommendations, and adopts them in full. The Court also adopts Judge Johnston's recommendation that this Court defer acceptance of the Plea Agreement

(Doc. 24) until sentencing, at which time the Court will have reviewed both the Plea Agreement and the Presentence Investigation Report.

**IT IS ORDERED** that Jack Anthony Kegg's Motion to Change Plea (Doc. 17) is GRANTED. **IT IS FURTHER ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 28) are ADOPTED IN FULL.

DATED this 9<sup>th</sup> day of April, 2015.

A handwritten signature in blue ink, reading "Brian Morris". The signature is written in a cursive, flowing style. Below the signature is a solid horizontal line.

Brian Morris  
United States District Court Judge